

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC
(PETRO),

Plaintiff,

v.

ISLAND PROJECT AND OPERATING
SERVICES, LLC, VITOL US HOLDING II
CO., VITOL VIRGIN ISLANDS CORP,
ANDREW CANNING, OPTIS EUROPE,
LTD., VTTI, and VITOL, INC.,

Defendants.

CASE NO. 1:21-CV-00312

JURY TRIAL DEMANDED

UNOPPOSED MOTION FOR EXTENSION OF TIME

Plaintiff Petro Industrial Solutions, LLC (Petro), by and through undersigned counsel, pursuant to Fed. R. Civ. P. 6(b) moves this Court for a 30-day extension of time up to and including April 7, 2024, to file its response to Defendants OPTIS Europe, Ltd. and Andrew Canning's Motion for Summary Judgment filed February 1, 2024. [ECF Docs. 297, 298, 299.]

Fed. R. Civ. P. 6(b) provides that:

When an act may or must be done within a specified time, the court may, for good cause, extend the time:

- (a) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or
- (b) on motion made after the time has expired if the party failed to act because of excusable neglect.

See Fed. R. Civ. P. 6(b)(1)(A).

Petro's response to Defendants' OPTIS Europe, Ltd. and Andrew Canning's Motion for Summary Judgment is due, February 7, 2024, therefore this extension is being

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requested before the expiration of the date to file a response and may be granted for good cause. This Court has held that “[g]ood cause is understood to mean [a] legally sufficient reason and it reflects the burden placed on a litigant [] to show why a request should be granted or an action excused.” *Clarke v. Marriott Int’l, Inc.*, No. CIVILACTION2008086, 2012 WL 2285188, at *2 (D.V.I. June 18, 2012)(internal quotations omitted). Furthermore, “[t]he good cause inquiry focuses on the moving party’s duty to show due diligence.” *Id.* (citing *Race Tires Am., Inc. v. Hoosier Racing Tire Corp.*, 614 F.3d 57, 84 (3d Cir. 2010)(internal quotations omitted).

Plaintiff respectfully requests additional time to respond to the pending dispositive motion properly. Plaintiff requires more time to review the extensive discovery record and conduct the necessary research to prepare a competent response to Defendants’ motion. Plaintiff does not request this extension in bad faith but due to a genuine need for additional time. The parties have taken approximately fifteen (15) depositions and exchanged thousands of pages of written discovery. LRCi 6.1(b)(7) contemplates that a party may need an additional thirty (30) days to respond to a dispositive motion, and Plaintiff’s request will not impact these proceedings because there is no trial date.

Pursuant to LRCi 7.1(f), Plaintiff conferred with Defendants who have indicated that they have no objection to this request.

WHEREFORE, based on the foregoing, Plaintiff respectfully request that this Court **GRANT** the 30-day extension until April 7, 2024, to file its response to OPTIS Europe, Ltd. and Andrew Canning’s Motion for Summary Judgment.

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RESPECTFULLY SUBMITTED
LEE J. ROHN AND ASSOCIATES, LLC
Attorneys for Plaintiff

DATED: March 4, 2024

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on March 4, 2024, I electronically filed the foregoing with the Clerk of the Court using the electronic filing system, which will send a notification of such filing to the following:

All Counsel of Record

BY: /s/ Lee J. Rohn (dvn)